

0350

#A

PATENT

Attorney Docket No. A-68556/RFT/JJD

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE*In re* application of:

Philip S. Bernard et al.

Serial No. 09/770,770

Filed: January 25, 2001

For: SIMULTANEOUS SCREENING
AND IDENTIFICATION OF SEQUENCE
ALTERATIONS FROM AMPLIFIED
TARGET

Examiner: unknown

Group Art Unit: unknown

CERTIFICATE OF MAILING

I hereby certify that this correspondence, including listed enclosures, is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, DC 20231 on May 25, 2001

Signed: _____

Jere Valles

PRELIMINARY AMENDMENT

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

This is submitted to claim priority to a previously filed provisional application. It is submitted within 4 months of filing the nonprovisional application and within 16 months from the filing date of the provisional application, as required by 37 C.F.R. § 1.78(a)(5). While Applicants believe that no fees are due at this time, the Commissioner is authorized to charge any fees or other relief as may be required, or credit any overpayment to Deposit Account No. 06-1300 (Our Order No. A-68556/RFT/JJD).

Please enter the following amendments.

09770770.052901

Serial No.: 08/899,183

Filed: July 23, 1997

Prior to the first sentence of the application following the title, please enter the following paragraph:

This application claims the benefit of provisional application Serial No. 60/178,139, filed January 25, 2000.

On a new page 16, please enter the following title and paragraph:

ABSTRACT

Methods for identifying and locating alterations in a nucleic acid having a known sequence are provided. The methods involve measuring the melting temperature of probe nucleic acids hybridized to a target nucleic acid. The methods take advantage of the differential dissociation temperatures of a probe from a target resulting from mismatches at different locations along the region of the target to which the probe hybridizes.

0970770.052901

REMARKS

The specification is amended by entry of a paragraph claiming priority to the cited provisional application. The specification is also amended to enter an abstract, which was inadvertently omitted from the originally filed application. A "clean" version of the amendments are presented above. Details of the amendment are provided in the section entitled "Version Showing Changes Made", which follows the remarks.

This amendment is submitted to claim priority to the above-referenced provisional application. The claim and amendment is submitted within 4 months of filing the present application and 16 months of filing the provisional application, in accordance with 37 C.F.R. § 1.78(a)(5). The present named inventors are the same as the named inventors of the provisional application, which discloses the invention of the present claims. The provisional application is entitled to the cited filing date, per 37 C.F.R. § 1.53(c), and the fees as set forth in 37 C.F.R. § 1.16(k) were paid within the time set forth in 37 C.F.R. § 1.153(g). Applicants submit that the present non-provisional application is entitled to the benefit of the filing date of the cited provisional application. Therefore, Applicants respectfully request entry of this amendment.

Applicants also submit an abstract to bring the application in line with the requirements of 35 C.F.R. § 1.72(b).

09770770-052901

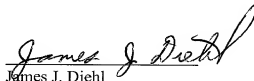
Serial No.: 08/899,183

Filed: July 23, 1997

If the Examiner feels there are issues that may be resolved by telephone, the Examiner is respectfully requested to phone the undersigned at (415) 781-1989.

Respectfully submitted,

FLEHR HOHBACH TEST
ALBRITTON & HERBERT LLP



James J. Diehl
Reg. No. 47,527 for:
Richard F. Trecartin
Reg. No. 31,801

Four Embarcadero Center, Suite 3400
San Francisco, CA 94111-4187
Telephone: (415) 781-1989

1052793v1-SF

09770770-052901

Serial No.: 08/899,183

Filed: July 23, 1997

VERSION SHOWING CHANGES MADE

Prior to the first sentence of the application following the title, the following paragraph was entered:

--This application claims the benefit of provisional application Serial No. 60/178,139, filed January 25, 2000.--

On a new page 16, the following title and paragraph were entered:

--ABSTRACT

Methods for identifying and locating alterations in a nucleic acid having a known sequence are provided. The methods involve measuring the melting temperature of probe nucleic acids hybridized to a target nucleic acid. The methods take advantage of the differential dissociation temperatures of a probe from a target resulting from mismatches at different locations along the region of the target to which the probe hybridizes.--

09770770-052901